

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security

1 Assumption of Executory Contract or Unexpired Lease

0 Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

In Re: **Chad Minnes**

Case No.:

18-25414

Judge:

Altenburg

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

Date:

7/9/19

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney DAK Initial Debtor: C M Initial Co-Debtor _____

Part 1: Payment and Length of Plan

- a. The debtor shall pay \$1,142.00 Monthly to the Chapter 13 Trustee, starting on 8/1/2019 for approximately 35 months plus payment of \$12,562.00 paid through July of 2019..
- b. The debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
- ☐ Sale of real property
Description:
Proposed date for completion: _____
- ☐ Refinance of real property:
Description:
Proposed date for completion: _____
- ☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

- a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).
- b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Internal Revenue Service	Post petition priority tax claim	\$1,212.81
Minnes, Emily	Ongoing domestic support obligations - paid outside Plan by debtor's employer (payments are current)	0.00
State of NJ, Div. of Taxation	Priority tax claim	\$36,382.41

State of NJ, Div. of Taxation	Post petition priority tax claims	\$8,820.82
3a. Continued: Toyota Motor Credit Corp. Administrative priority pursuant to Court Order		\$531.00
<p>b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount: Check one:</p> <p><input checked="" type="checkbox"/> None</p> <p><input type="checkbox"/> The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):</p>		
Creditor	Type of Priority	Amount to be Paid

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an

unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Creditor

Toyota Financial Services

Ditech Financial, LLC

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☐ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$___ to be distributed *pro rata*
- ☐ Not less than ___ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☐ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
Toyota Financial Services	-0-	Auto lease	To be paid outside the Plan	\$660.98

Part 7: Motions ☐ **NONE**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒
NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) **Other Administrative Claims**
- 3) Priority Claims
- 4) General Unsecured Claims
- 5) _____
- 6) _____

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ **NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 7/9/2019

Explain below why the plan is being modified:	Explain below how the plan is being modified:
Claims came in higher than anticipated	Plan is being extended to provide additional 10 months at \$1,142.00 per month

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 7/9/2019

/s/ Chad Minnes

Chad Minnes

Debtor

Date: _____

Joint Debtor

Date 7/9/2019

/s/ David A. Kasen

David A. Kasen DK1778

Attorney for the Debtor(s)

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Chad Minnes
 Debtor

Case No. 18-25414-ABA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 45

Date Rcvd: Jul 10, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 12, 2019.

db +Chad Minnes, 1201 N. Main St., Apt. 41, Pleasantville, NJ 08232-1094
 cr +DITECH FINANCIAL LLC, Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100,
 Mt. Laurel, NJ 08054-3437
 cr +LOANCARE, LLC, Phelan Hallinan & Schmieg, PC, 1617 JFK Boulevard, Suite 1400,
 Philadelphia, PA 19103-1814
 517678947 +Best Buy Credit Services, P.O. Box 78009, Phoenix, AZ 85062-8009
 517678949 +Bryant State Bank, P.O. Box 2519, Omaha, NE 68103-2519
 517678951 +Capital One Bank USA, NA, PO Box 71087, Charlotte, NC 28272-1087
 517689905 +DITECH FINANCIAL LLC, Phelan Hallinan Diamond & Jones, PC, 400 Fellowship Road, Suite 100,
 Mt. Laurel, NJ 08054-3437
 517806454 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 517678948 ++FIRST SAVINGS BANK, PO BOX 5096, SIOUX FALLS SD 57117-5096
 (address filed with court: Blaze, P.O. Box 2534, Omaha, NE 68103)
 517678954 +First Bankcard/Overstock.com, P.O. Box 2557, Omaha, NE 68103-2557
 517690363 +First National Bank of Omaha, 1620 Dodge Street, Stop code 3105, Omaha, NE 68197-0002
 517678955 +First National Credit Card, P.O. Box 2496, Omaha, NE 68103-2496
 517678956 +First Savings, P.O. Box 2509, Omaha, NE 68103-2509
 517678957 +Home Depot Credit Services, P.O. Box 790328, Saint Louis, MO 63179-0328
 518319584 +LOANCARE, LLC, P.O. BOX 8068, VIRGINIA BEACH, VA 23450-8068
 518319585 +LOANCARE, LLC, P.O. BOX 8068, VIRGINIA BEACH, VA 23450, LOANCARE, LLC, P.O. BOX 8068,
 VIRGINIA BEACH, VA 23450-8068
 517678958 +Macy's, 7 West Seventh Street, Cincinnati, OH 45202-2424
 517979589 +Minnes, Emily, 925 Navajo Ave., Absecon, NJ 08201-2305
 517678959 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State of NJ, Div. of Taxation, Bankruptcy Unit, CN 245,
 Trenton, NJ 08695)
 517678963 +TD Bank USA, NA, c/o Mike Peersen, CEO, 1701 Route 70 East, Cherry Hill, NJ 08003-2335
 517749532 +TD Bank, N.A., Payment Processing, PO Box 16029, Lewiston, ME 04243-9507
 517749923 +TD Bank, N.A., Schiller Knapp Lefkowitz & Hertz, LLP, 30 Montgomery Street, Suite 1205,
 Jersey City, NJ 07302-3835
 517678964 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Financial Services, P.O. Box 5855,
 Carol Stream, IL 60197)
 517678962 +Target, P.O. Box 1581, Minneapolis, MN 55440-1581
 517678965 +Toyota Financial Services, P.O. Box 4102, Carol Stream, IL 60197-4102
 517776841 +Toyota Lease Trust, c/o Toyota Motor Credit Corporation, PO Box 9013,
 Addison, Texas 75001-9013
 517869659 +Toyota Lease Trust, 216 Haddon Avenue, Ste. 406, Westmont, NJ 08108-2812
 517776949 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 517678967 +WaWa, P.O. Box 9001101, Louisville, KY 40290-1101

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usan.j.njbankr@usdoj.gov Jul 11 2019 00:47:39 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreign03.ne.ecf@usdoj.gov Jul 11 2019 00:47:35 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 517678950 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jul 11 2019 00:47:15 Buckle, P.O. Box 659704,
 San Antonio, TX 78265-9704
 517773129 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 11 2019 00:50:15 Capital One, N.A.,
 PO Box 71083, Charlotte, NC 28272-1083
 517678952 +E-mail/PDF: creditonebknofications@resurgent.com Jul 11 2019 00:49:57 Credit One,
 P.O. Box 60500, City of Industry, CA 91716-0500
 517809784 E-mail/Text: bankruptcy.bnc@ditech.com Jul 11 2019 00:47:11 DITECH FINANCIAL LLC,
 P.O. BOX 6154, RAPID CITY SD 57709-6154
 517678953 +E-mail/Text: bankruptcy.bnc@ditech.com Jul 11 2019 00:47:11 Ditech Financial, LLC,
 P.O. Box 6172, Rapid City, SD 57709-6172
 517979588 +E-mail/Text: cio.bncmail@irs.gov Jul 11 2019 00:47:01 Internal Revenue Service,
 P.O. Box 7346, Phila., PA 19101-7346
 517775624 E-mail/PDF: resurgentbknofications@resurgent.com Jul 11 2019 00:50:00
 LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and,
 FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 517790893 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 11 2019 00:50:19
 Portfolio Recovery Associates, LLC, c/o Ashley Furniture Homestore, POB 41067,
 Norfolk VA 23541
 517794362 E-mail/Text: bnc-quantum@quantum3group.com Jul 11 2019 00:47:27
 Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,
 Kirkland, WA 98083-0788
 517681259 +E-mail/PDF: gecsedirecoverycorp.com Jul 11 2019 00:49:47 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 517678960 +E-mail/PDF: gecsedirecoverycorp.com Jul 11 2019 00:49:48 Synchrony Bank/PayPal Card,
 P.O. Box 96080, Orlando, FL 32896-0001

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 45

Date Rcvd: Jul 10, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

517678961 +E-mail/PDF: gecsedirecoverycorp.com Jul 11 2019 00:50:35
Synchrony Financial/Ashley Furniture, Attn: Bankruptcy Department, P.O. Box 965061,
Orlando, FL 32896-5061
517801161 +E-mail/Text: bncmail@w-legal.com Jul 11 2019 00:47:44 TD Bank USA, N.A.,
C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
517678966 +E-mail/PDF: gecsedirecoverycorp.com Jul 11 2019 00:49:47 Walmart Credit Card,
P.O. Box 965060, Orlando, FL 32896-5060

TOTAL: 16

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

517806834 DITECH FINANCIAL LLC
517979590* ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: State of New Jersey, Division of Taxation, Bankruptcy Unit,
CN 245, Trenton, NJ 08695)
517993071* ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: State of New Jersey, Division of Taxation, Bankruptcy Unit,
PO BOX 245, Trenton, NJ 08695-0245)
517749613* +TD Bank, N.A., Payment Processing, PO Box 16029, Lewiston, ME 04243-9507

TOTALS: 1, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 12, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 9, 2019 at the address(es) listed below:

David A. Kasen on behalf of Debtor Chad Minnes dkasen@kasenlaw.com
Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Denise E. Carlon on behalf of Creditor Toyota Lease Trust dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Kevin Gordon McDonald on behalf of Creditor Toyota Lease Trust kmcdonald@kmlawgroup.com,
bkgroup@kmlawgroup.com
Nicholas V. Rogers on behalf of Creditor LOANCARE, LLC nj.bkecf@fedphe.com
Nicholas V. Rogers on behalf of Creditor DITECH FINANCIAL LLC nj.bkecf@fedphe.com
Sherri Jennifer Smith on behalf of Creditor DITECH FINANCIAL LLC nj.bkecf@fedphe.com,
nj.bkecf@fedphe.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9